

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$93,120.00 IN UNITED STATES  
CURRENCY,

Defendant.

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MEMORANDUM AND ORDER

This matter is before the court for review of the findings and recommendations of the magistrate judge. Filing No. [55](#). No objections have been filed. The court, being fully advised in the premises, adopts the findings and recommendations of the magistrate judge in its entirety.

Claimant Michael J. Fox argues that he is entitled to the \$93,120.00 seized by the police on June 18, 2009, at issue in this lawsuit. Fox has filed a claim for the return of the \$93,120.00. Filing No. [8](#). Fox asserts the seizure of the currency was without probable cause and his subsequent interrogation resulted in him making statements after he had invoked his *Miranda* rights and requested counsel.

The magistrate judge concluded that the initial stop of Fox's vehicle was justified, that the officers received valid consent to search the vehicle of Fox, that the seizure of the cash and the detention of Fox were unreasonable, and that the statements were coerced and inadmissible. After careful review of the record, this court agrees with the findings and recommendations of the magistrate judge.

Accordingly, Fox's motion to suppress, Filing No. [40](#), is granted with regard to any evidence or statements obtained subsequent to seizure of Fox and the currency. In all other respects, the motion is denied.

THEREFORE, IT IS ORDERED:

1. The motion to suppress, Filing No. [40](#), is granted as set forth herein; and
2. The findings and recommendations of the magistrate judge, Filing No. [55](#), is adopted in its entirety.

DATED this 15<sup>th</sup> day of March, 2011.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief District Judge

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